

# Exhibit 1

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

ANDREW COLBORN,

**COPY**

Plaintiff,

-vs-

CIVIL ACTION NO. 19-CV-0484-BHL

NETFLIX, INC., ET AL.,

VOLUME I

Defendants.

VIDEOTAPED DEPOSITION OF

ANDREW L. COLBORN

DATE: July 21, 2022

TIME: 9:23 a.m. - 5:22 p.m.

LOCATION: Godfrey & Kahn, S.C.  
833 East Michigan Street  
Suite 1800  
Milwaukee, Wisconsin 53202

REPORTED BY:  
Paula Huettenrauch, RMR, CRR  
365Reporting, LLC

VIDEOGRAPHER:  
Jon Hansen, CLVS  
Video Concepts  
608.408.7411

A P P E A R A N C E S

LAW FIRM OF CONWAY, OLEJNICZAK & JERRY, S.C., BY  
R. GEORGE BURNETT, ATTORNEY AT LAW  
231 South Adams Street  
Green Bay, Wisconsin 54301  
Gb@lcojlaw.com  
appeared on behalf of the Plaintiff.

ROCKSTEAD LAW, LLC, BY  
APRIL ROCKSTEAD BARKER, ATTORNEY AT LAW  
525 North Lincoln Avenue  
Beaver Dam, Wisconsin 53916  
aprilrbarker@rocksteadlaw.com  
appeared on behalf of the Plaintiff.

BALLARD SPAHR LLP, BY  
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2000 IDS Center  
80 South 8th Street  
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walkerl@ballardspahr.com  
appeared on behalf of Netflix, Inc.

BALLARD SPAHR LLP, BY  
ISABELLA SALOMAO NASCIMENTO, ATTORNEY AT LAW  
2000 IDS Center  
80 South 8th Street  
Minneapolis, Minnesota 55402  
salomaonascimento@ballardspahr.com  
appeared on behalf of Netflix, Inc.

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EMMY S. PARSONS, ATTORNEY AT LAW  
1909 K Street NW, Suite 1200  
Washington, DC 20006-1157  
parsonse@ballardspahr.com  
appeared via Zoom videoconference on  
behalf of Netflix, Inc.

1 BALLARD SPAHR LLP, by  
2 MATTHEW E. KELLEY, ATTORNEY AT LAW  
3 1909 K Street NW, Suite 1200  
4 Washington, DC 20006-1157  
kelley@ballardspahr.com  
appeared via Zoom videoconference on  
behalf of Netflix, Inc.

5  
6 JASSY VICK CAROLAN LLP, by  
7 KEVIN L. VICK, ATTORNEY AT LAW  
8 355 South Grand Avenue, Suite 2450  
9 Los Angeles, California 90071  
kvick@jassyvick.com  
appeared on behalf of Chrome Media LLC,  
Laura Ricciardi, and Moira Demos.

10 JASSY VICK CAROLAN LLP, by  
11 MEGHAN E. FENZEL, ATTORNEY AT LAW  
12 355 South Grand Avenue, Suite 2450  
13 Los Angeles, California 90071  
mfenzel@jassyvick.com  
appeared via Zoom videoconference on  
14 behalf of Chrome Media LLC, Laura Ricciardi, and  
15 Moira Demos.

16 \*\*\*

17 ALSO PRESENT:

18 Debra Bursik, Paralegal

19 Moira Demos, Defendant

20 Laura Ricciardi, Defendant

21 Melinda LeMoine, Director, Litigation, Netflix, Inc.

1           A       Yes, I do.

2           Q       But unless Mr. Griesbach was in the room  
3 with you or any of us sitting here today were in the  
4 room with you, none of us can know with 100 percent  
5 certainty, correct?

6           A       I would think that I drove that point home  
7 in the trial, and based on the subsequent conviction,  
8 I believe the jury was convinced of it.

9           Q       We would have to trust you, correct,  
10 Mr. Colborn?

11          A       Yes, you would have to trust that I was  
12 telling the truth under oath.

13          Q       And the jury found for the prosecution and  
14 convicted Mr. Avery, correct?

15          A       Yes, they did.

16          Q       And the jury's findings were included in  
17 Making a Murderer, correct?

18                   MR. BURNETT: Objection, form.

19          Q       Do you know?

20          A       I have not watched a clip of or any of  
21 Making a Murderer when the jury verdict is read or --  
22 so I can't answer you positively. I don't know what  
23 was included. I don't know what episode that was in.

24          Q       You have no reason to dispute that it was  
25 included, correct?

CERTIFICATION PAGE

STATE OF WISCONSIN )

MILWAUKEE COUNTY )

I, PAULA M. HUETTENRAUCH, RMR, CRR,  
Notary Public in and for the State of Wisconsin, do  
hereby certify:

That prior to being examined, the  
deponent named in the foregoing deposition,  
ANDREW L. COLBORN, was by me duly sworn to testify  
the truth, the whole truth, and nothing but the  
truth.

That said deposition was taken before  
me at the time, date, and place set forth; and I  
hereby certify the foregoing is a full, true, and  
correct transcript of my shorthand notes so taken and  
thereafter reduced to computerized transcription  
under my direction and supervision.

I further certify that I am neither  
counsel for nor related to any party to said action,  
nor in any way interested in the outcome thereof; and  
that I have no contract with the parties, attorneys,  
or persons with an interest in the action that  
affects or has a substantial tendency to affect  
impartiality, or that requires me to provide any  
service not made available to all parties to the  
action.

IN WITNESS WHEREOF, I have hereunto  
subscribed my name this 28th day of July, 2022.

*Paula Huettenrauch*

Paula M. Huettenrauch, RMR, CRR  
Notary Public - State of Wisconsin

My Commission Expires 8/18/2023



UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

ANDREW COLBORN,

**COPY**

Plaintiff,

-vs-

CIVIL ACTION NO. 19-CV-0484-BHL

NETFLIX, INC., ET AL.,

VOLUME II

Defendants.

CONTINUED VIDEOTAPED DEPOSITION OF

ANDREW L. COLBORN

DATE: July 22, 2022

TIME: 9:02 a.m. - 4:40 p.m.

LOCATION: Godfrey & Kahn, S.C.  
833 East Michigan Street  
Suite 1800  
Milwaukee, Wisconsin 53202

REPORTED BY:  
Paula Huettenrauch, RMR, CRR  
365Reporting, LLC

VIDEOGRAPHER:  
Jon Hansen, CLVS  
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5 kelleym@ballardspahr.com  
6 appeared via Zoom videoconference on  
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12 kvick@jassyvick.com  
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19 mfenzel@jassyvick.com  
20 appeared via Zoom videoconference on  
21 behalf of Chrome Media LLC, Laura Ricciardi, and  
22 Moira Demos.

23 \*\*\*

24 ALSO PRESENT:

25 Debra Bursik, Paralegal

Moira Demos, Defendant

Laura Ricciardi, Defendant

Melinda LeMoine, Director, Litigation, Netflix, Inc.

1           A     During trial?

2           Q     **At any time.**

3           A     I believe Kathleen Zellner might have tried  
4     some sort of reenactment of it, but I haven't viewed  
5     the reenactment.

6           Q     **Anyone from law enforcement side doing  
7     something similar that you've heard of?**

8           A     No.

9           Q     **Now, prior to that day that the key was  
10    discovered, you had previously searched the room,  
11    right, on previous days?**

12          A     Yes. Yes, sir.

13          Q     **And during searches on previous days, had  
14    you personally searched the bookcase?**

15          A     Yes.

16          Q     **But you didn't find the key at that time?**

17          A     No.

18          Q     **And nobody else did either, right?**

19          A     No.

20          Q     **Does it surprise you that it wasn't found  
21    until that day, on November 8th?**

22          A     I was surprised that we found it on the last  
23    day, yes.

24          Q     **Can you understand how someone who wasn't  
25    there for the search like yourself, Lieutenant Lenk,**

1       and Deputy Kucharski, can you understand how they  
2       might have some uncertainty about your three's  
3       explanation about how the key came to be found that  
4       day?

5                       MR. BURNETT:  Objection, form,  
6       foundation.

7               A       I don't have an instinctive distrust of law  
8       enforcement.  I trust law enforcement because I was  
9       in it for 27 years.  So I like to think that my  
10      testimony and when I say something, people understand  
11      that I'm under oath and I'm saying the truth.  If I  
12      don't know the answer to a question, I say I don't  
13      know.

14              Q       But can you understand how people who didn't  
15      know you personally, I'm not saying that they  
16      necessarily think that you're lying, but how they  
17      could walk away from hearing the explanation of how  
18      the key was found and just say, "I'm not sure what  
19      happened"?

20                    MR. BURNETT:  Objection --

21              Q       Can you understand that?

22                    MR. BURNETT:  Objection to form and  
23      foundation.

24              A       My explanation at trial was the only  
25      possible way I could think that that key got to where

CERTIFICATION PAGE

STATE OF WISCONSIN )

MILWAUKEE COUNTY )

I, PAULA M. HUETTENRAUCH, RMR, CRR,  
Notary Public in and for the State of Wisconsin, do  
hereby certify:

That prior to being examined, the  
deponent named in the foregoing deposition,  
ANDREW L. COLBORN, was by me duly sworn to testify  
the truth, the whole truth, and nothing but the  
truth.

That said deposition was taken before  
me at the time, date, and place set forth; and I  
hereby certify the foregoing is a full, true, and  
correct transcript of my shorthand notes so taken and  
thereafter reduced to computerized transcription  
under my direction and supervision.

I further certify that I am neither  
counsel for nor related to any party to said action,  
nor in any way interested in the outcome thereof; and  
that I have no contract with the parties, attorneys,  
or persons with an interest in the action that  
affects or has a substantial tendency to affect  
impartiality, or that requires me to provide any  
service not made available to all parties to the  
action.

IN WITNESS WHEREOF, I have hereunto  
subscribed my name this 28th day of July, 2022.



Paula M. Huettenrauch, RMR, CRR  
Notary Public - State of Wisconsin

My Commission Expires 8/18/2023

